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## **An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §1721** is enacted to read:

### **§ 1721. Prohibition on payment for health care facility mistakes or preventable adverse events**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Health care facility" means a hospital or ambulatory surgical center licensed under chapter 405.
- B. "Mistake or preventable adverse event" means any of the following events that is within the health care facility's control to avoid:
  - (1) Surgery performed on the wrong body part;
  - (2) Surgery performed on the wrong patient;
  - (3) The wrong surgical procedure performed on a patient;
  - (4) Unintended retention of a foreign object in a patient after surgery or another procedure;
  - (5) Intraoperative or immediately postoperative preventable death of a patient classified as a normal healthy patient under guidelines published by a national association of anesthesiologists;
  - (6) Patient death or serious disability caused by the use of contaminated drugs, devices or biologics provided by a hospital or ambulatory surgical center;
  - (7) Patient death or serious disability caused by the use or function of a device in patient care in which the device is used for functions other than as intended;
  - (8) Patient death or serious disability caused by an intravascular air embolism that occurs while being cared for in a health care facility;

(9) An infant's being discharged to the wrong person;

(10) Patient death or serious disability caused by a patient's elopement for more than 4 hours;

(11) Patient suicide or attempted suicide resulting in serious disability while being cared for in a health care facility;

(12) Patient death or serious disability caused by a medication error such as an error involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation or wrong route of administration;

(13) Patient death or serious disability caused by a hemolytic reaction due to the administration of incompatible blood or blood products;

(14) Maternal death or serious disability caused by labor or delivery in a low-risk pregnancy, labor and delivery while being cared for in a health care facility;

(15) Patient death or serious disability caused by hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility;

(16) Death or serious disability caused by failure to identify and treat hyperbilirubinemia in neonates prior to discharge;

(17) Stage 3 or 4 pressure ulcers acquired after admission to a health care facility;

(18) Patient death or serious disability due to spinal manipulative therapy;

(19) Patient death or serious disability caused by an electric shock while being cared for in a health care facility;

(20) Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances;

(21) Patient death or serious disability caused by a burn incurred from any source while being cared for in a health care facility;

(22) Patient death caused by a fall by a patient who was or should have been identified as requiring precautions due to risk of falling while being cared for in a health care facility;

(23) Patient death or serious disability caused by the use of restraints or bedrails while being cared for in a health care facility;

(24) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist or other licensed health care provider;

(25) Abduction of a patient of any age;

(26) Sexual assault of a patient within a health care facility;

(27) Death or significant injury of a patient resulting from a physical assault that occurs within a health care facility; and

(28) Artificial insemination with the wrong donor sperm or donor egg.

**2. Prohibition.** A health care facility is prohibited from knowingly charging a patient or the patient's insurer for health care services it provided as a result of or to correct a mistake or preventable adverse event caused by that health care facility.

**3. Patient education.** A health care facility is required to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

*§1721. Voluntary restraint*

*(As enacted by PL 2007, c. 629, Pt. C, §1 is REALLOCATED TO TITLE 22, SECTION 1722)*

Effective July 18, 2008